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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,833	03/15/2000	Lawrence Seidman	PD-200001	8660

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EXAMINER
WORJLOH, JALATEE

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 12/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/544,833	SEIDMAN ET AL.	
	Examiner	Art Unit	
	Jalatee Worjloh	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-21 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to the amendment filed on October 19, 2002, in which claims 15, 16 and 19 were amended and claim 21 added.

Response to Arguments

2. Applicant's arguments filed October 4, 2002 have been fully considered but they are not persuasive.

Applicant argues that Payton does not teach filtering the plurality of electronic content with predetermined filter terms and accepting the electronic content as a function of the filter terms. The examiner disagrees, although Payton does not explicitly teach "filter terms" it can be infer. That is, Payton discloses a subscriber profile including various subscriber's data such as user's rating and "general likes and dislikes" (see col. 5,lines 6-20). Note. The examiner interprets the "general likes and dislikes" as filter terms. Further, Payton discloses filtering the plurality of electronic content with predetermined filter terms and accepting the electronic content as a function of the filter terms (i.e. "general likes and dislikes").

Applicant argues that the linking of marketing information with the electronic content is not taught or suggested by Downs et al. Again, the examiner disagrees; the metadata SC contains "encrypted symmetric key, metadata and other information about the content" (see col. 18 table, step 126). The examiner notes that "other information about the content" may include marketing information. Also, the metadata provides descriptive information about the content and any other associated data (see col. 26, lines 35-46). The examiner notes that "other associated data"

may include marketing information. Thus, Downs et al disclose the step of linking marketing information with electronic content.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5790935 to Payton.

Payton disclose a content provider having a plurality of electronic content (see col. 4, lines 45-49,55-57), a broadcast center coupled to the content provider for receiving said plurality of electronic content and transmitting said plurality of electronic content (see col. 5, lines 22-26,55-59), and a user appliance having a filter therein, said appliance coupled to said broadcast center for receiving said plurality of electronic content, said filter filtering the plurality of electronic content with predetermined filter terms and accepting one or more of said plurality of electronic content to form a selected content subset as a function of said filter terms (see col. 5, lines 65-67; col. 6, lines 1-5; col. 3, lines 2-8, 19-22).

5. Claims 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6226618 to Downs et al.

Downs et al. disclose electronic content store subsystem receiving electronic content from a content provider, a content store for processing buy transactions from a requesting user

and linking marketing information with said electronic content (see fig. 1, col. 8, lines 58-65; col. 9, lines 62-67; col. 10 lines 1, 6-10, 26-29; col. 18 table, steps 130-132), a server coupled to said content store for receiving said electronic content and said marketing information (see col. 18 table, steps 126-129; col. 48, lines 46-50), a transmitter coupled to said server for broadcasting said electronic content and said marketing information to a plurality of users (see col. 78, lines 54-61), said content store coupled to said plurality of users so that when requesting user requests a purchase, said content store processes the buy transaction and initiates further rights in said electronic content for said requesting user (see col. 19, table, steps 138-148).

Referring to claim 17, Downs et al. disclose a broadcast center, wherein said electronic store subsystem is coupled to a promotional site (see col. 49, lines 8-11; col. 8, lines 58-65; fig. 1A, 156).

Referring to claim 18, Down et al. disclose a broadcast center further comprising an e-commerce interface coupled to said content store said e-commerce interface coupled to a merchant bank (see col. 8, lines 58-65; col. 11, lines 16-24).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 3-5, 7, 11, 13,14, 19 -21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6226618 to Downs et al. in view of U.S. Patent No. 5790935 to Payton.

Downs et al. disclose distributing a plurality of electronic content having predetermined user rights associated therewith and receiving the plurality of electronic content (see col. 19 table, steps 138-148). Downs et al. do not expressly disclose filtering said plurality of electronic content with predetermined filter terms, accepting one or more of said plurality of electronic content to form a selected content subset as a function of said predetermined filter terms or storing the selected content subset for user review. Payton discloses filtering said plurality of electronic content with predetermined filter terms (see col. 3, lines 2-8), accepting one or more of said plurality of electronic content to form a selected content subset as a function of said predetermined filter terms (see col. 3, lines 19-22) and storing the selected content for user review (see col. 3, lines 25-32). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Downs et al. to include the steps of: filtering said plurality of electronic content with predetermined filter terms, accepting one or more of said plurality of electronic content to form a selected content subset as a function of said predetermined filter terms or storing the selected content subset for user review. One of ordinary skill in the art would have been motivated to do this because system it provides the user with content he/she desires and also prevents unauthorized usage of the content (by incorporating user rights).

Referring to claims 3 and 4, Downs et al. disclose in response to the step of purchasing one or more of the selected content subset, releasing greater rights to said one or more of the

selected content subset, wherein said greater rights comprise full rights to use said one or more of the selected content subset (see col. 59, lines 34-36, 44-54). Downs et al. indirectly disclose having greater and full rights. As stated in col. 59, lines 44-46, the rental copies have limited use, which implies that the fully purchase copies have unlimited usage rights; thus greater/full rights.

Referring to claim 5, Downs et al. disclose shipping a full electronic content package to the user (see col. 72, lines 16-34).

Referring to claim 7, Downs et al. disclose storing marketing information in response to said step of purchasing (see col. 9, lines 48-51; col. 48, lines 46-51). Note. SC is an acronym for secure container.

Referring to claim 11, Downs et al. disclose distributing promotional material with said plurality of electronic content (see col. 18 table, steps 126-129; col. 48, lines 46-50).

Referring to claims 13 and 14, Downs et al. disclose distributing comprises the step of distributing a plurality of electronic content having limited user rights associated therewith, wherein said limited rights is selected form the group consisting of a one time play right, a selected portion play right, and full rights for a predetermined time (see col. 59, lines 34-36,44-48).

Referring to claim 19, Downs et al. disclose a receiver receiving a plurality of electronic content and associated marketing information (see col. 18 table, steps 126-129; col. 48, lines 46-48). Downs et al. do not expressly disclose a filter coupled to the receiver, a storage device coupled to said filter, said filter filtering the plurality of electronics content with predetermined filter terms and accepting one or more of said plurality of electronic content to form a selected

content subset as a function of said filter terms or after accepting, storing said selected content subset on said local storage device. Payton discloses a filter coupled to the receiver, a storage device coupled to said filter, said filter filtering the plurality of electronics content with predetermined filter terms and accepting one or more of said plurality of electronic content to form a selected content subset as a function of said filter terms (see col. 5, lines 65-67; col. 6, lines 1-5; col. 3, lines 2-8, 19-22), and after accepting, storing said selected content subset on said local storage device (see col. 6, lines 1-11). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Downs to include a filter coupled to the receiver, a storage device coupled to said filter, said filter filtering the plurality of electronics content with predetermined filter terms and accepting one or more of said plurality of electronic content to form a selected content subset as a function of said filter terms or storing said selected content subset on said local storage device. One of ordinary skill in the art would have been motivated to do this because system it provides the user with content he/she desires.

Referring to claim 20, Downs et al. disclose comprising a review device coupled to said storage device for reviewing said electronic content subset and initiating a buy transaction (see col. 86, lines 39-41; col. 11, lines 29-42; fig. 15, 1510).

Referring to claim 21, Downs et al. disclose distributing a plurality of electronic content samples having predetermined user rights associated therewith (see col. 19 table, steps 138-148), distributing marketing information with each of said plurality of electronic content selections, receiving the plurality of electronic content samples and associated marketing information (see col. 18 table, steps 126-129; col. 48, lines 46-50). Downs et al. do not expressly disclose

filtering the plurality of electronic content samples with predetermined filter terms, and accepting one of said plurality of electronic content samples to form a selected sample as a function of the marketing information matching said filter terms; and storing the selected sample for user review. Payton discloses filtering the plurality of electronic content samples with predetermined filter terms, and accepting one of said plurality of electronic content samples to form a selected sample as a function of the marketing information matching said filter terms (see col. 5, lines 65-67; col. 6, lines 1-5; col. 3, lines 2-8, 19-22), and storing the selected sample for user review (see col. 6, lines 1-11). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Downs et al. to include the steps of distributing a plurality of electronic content selection and marketing information, receiving the plurality of electronic content samples, filtering the electronic content, accepting one of said plurality of electronic content and storing the selected sample. One of ordinary skill in the art would have been motivated to do this because it provides the user with content he/she desires.

8. Claims 2, 6, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downs et al. and Payton as applied to claim 1 above, and further in view of "An Agent Architecture for Personalized Web Stores" to Ardissono et al.

Ardissono et al. disclose reviewing the selected content subset and purchasing one or more of the selected content subset (see pg. 183, col. 2, lines 2-11). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Downs et al. to include the steps of reviewing the selected content subset and

purchasing one or more of the selected content subset. One of ordinary skill in the art would have been motivated to do this because it promotes consumer satisfaction by allowing the user to preview the selected content subset before purchasing.

Referring to claim 6, Downs et al. disclose confirming the purchase (see col. 44, lines 6-9).

Referring to claim 8, Ardissono et al. disclose adjusting said filter terms in response to the step of purchasing (see pg. 184, col. 1, last paragraph (i.e. "The Dialog Manger monitors...") and pg. 184, last paragraph).

Referring to claim 10, Downs et al. disclose the step of purchasing comprises billing the user on a regular basis (see col. 59, lines 7-11,62-63). Downs et al. indirectly disclose billing the user on a regular basis. Notice, Downs et al. reveals both purchase and rental usage conditions, which infers that the user is billed either once or regularly.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Downs et al., Payton and Ardissono et al. as applied to claim 2 above, and further in view of U.S. Patent No. 6360209 to Loeb et al.

Loeb et al. disclose providing an account number and contacting a merchant bank (see col. 3, lines 31-43). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Downs et al. to include the step of providing an account number and contacting a merchant bank. One of ordinary skill in the art would have been motivated to do this because it is an essential step for authorizing the purchase.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Downs et al. and Payton as applied to claim 1 above, and further in view of International Publication No. WO 00/62223 to Bezos et al.

Payton et al. disclose filtering said plurality of electronic content with predetermined filter terms (see col. 3, lines 2-8). Payton does not expressly disclose filtering comprises the step of prompting the user for filter terms. Bezos et al. disclose filtering comprises the step of prompting the user for filter terms (see pg. 6, lines 34-35; pg. 7, line 1). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the step disclose by Payton to comprise prompting the user for filter terms. One of ordinary skill in the art would have been motivated to do this because it provides an accurate content subset to the user.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 703-305-0057. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications, 703-746-9443 for Non-Official/Draft and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.
Any response to this action should be mailed to: **Commissioner of Patents and Trademarks, Washington, DC 20231.**

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, V.A., Seventh floor receptionist.

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December 9, 2002

JAMES P. TRAMMELL
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